REMARKS

The Office Action dated July 12, 2007, has been received and carefully noted. The above amendment to claim 1 and the following remarks are submitted as a full and complete response hereto.

In detail, claims 1 and 8 have been amended in order to overcome the rejection under 35 U.S.C. § 102. Claims 3 and 9 have been cancelled. No new matter is being presented and entry of the amendment is respectfully requested. Claims 1, 2, 4-8, and 10-18 are pending and under consideration.

Rejections Under 35 U.S.C. § 102

The Examiner stated that claims 1-18 would be anticipated by Saito et al. (JP3-261540).

The Applicant strongly points out that the Examiner did not cite any correspondence between the features of each of claims 1-18 of the application and the features of the device disclosed in Saito et al. ('540). The Examiner only provided an abstract of the Saito et al. patent, but no explicit findings of fact with respect to any relationships between said patent and any claim of the Application. Please see 37 C.F.R. § 104(c)(2)

Applicant hereby provides an amendment to claim 1 and 8 and also provides arguments pointing out that claims 1 and 8 as currently amended are not anticipated by Saito et al.

With regard to claim 1 as currently amended, Saito et al. ('540) fails to disclose that the cutting surface of the roller and the matching cutting surface of the sealing end of the emitting means create a scissors effect.

By contrast, Saito et al. ('540) discloses that the cutting surface is presented only by the horn tip (11), since the roller (12) is completely disposed under the web to be cut and no parts of the roller exercise a cut action on the web. In the device of Saito et al. ('540), the roller produces only a support effect on the web.

Since the running web moves longitudinally with respect to the horn tip, the latter acts a *"cutter"* effect on the web which **is not a *scissors* effect**. The fact that the horn tip is oriented perpendicularly to its advance direction (namely, in a vertical direction whilst the advance direction is horizontal) proves that no scissors effect is performed by the device of Saito et al. ('540).

Furthermore, Saito et al. ('540) discloses that the horn tip (11) moves perpendicularly with respect to the periphery of the roller (12) so involving risks of ripping of the web (it is common practice, for example, to perform a scissors action rather than a cutter action when trimming paper, since a paper sheet tends to get torn when it is cut in a cutter manner by means of a cutter oriented perpendicularly to the plane of the sheet).

The present application is designed to trim and seal paper webs, whilst the device of Saito et al. ('540) is designed to cutting a plastic web by heat action. A plastic web can be cut by heat even by means of a "cutter action", namely by means of a tool which is oriented in a "cutter manner" as in figure 7 of Saito et al. ('540), therefore the device disclosed in Saito et al. ('540) does not need any scissors effect and, as a

consequence, it is explained the reason for which the device of Saito et al. ('540) does not refer a scissors effect when cutting the web.

In conclusion, cutting by scissors effect is completely different from cutting by a manner as disclosed in fig. 7 of Saito et al. ('540).

With regard to claim 8 as currently amended, Saito et al. ('540) fails to disclose that the cutting surface consists of a sharp cutting edge of a stepped surface of the sealing end, since Saito et al. ('540) discloses that "cutting of the sheets is produced by melting based on heat-generating action caused by vibration [...]" (see Abstract of Saito et al.) but does not explicitly refer to a sharp cutting edge. Since the melted edge of the plastic web of Saito et al. ('540) can be cut without sharp cutting edges, there is no indication that Saito et al. ('540) discloses that the cutting surface consists of a *sharp* cutting edge of a stepped surface of the sealing end.

Saito et al. ('540) rather discloses a thermal cutting action (the same used for sealing) which can be acted with the aid of contacting surfaces but can be performed even without a mechanical cutting action and without any sharp edges. Therefore, there is no indication that Saito et al. ('540) discloses that the cutting surface consists of a sharp cutting edge of a stepped surface of the sealing end.

Conclusion

The Applicant respectfully submits that present claims 1 and 8 are allowable. Claims 2, 4-7 and 10-18 depend (directly or indirectly) from independent claim 1 or 8. The Applicant further submits that each of these dependent claims incorporates the patentable aspects thereof, and is therefore allowable for at least the same reasons as

discussed above. Accordingly, the Applicant respectfully requests withdrawal of the rejection under U.S.C. §102, allowance of claims 1-18 and the prompt issuance of a Notice of Allowability.

Applicant's counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

In the event that this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 023349-00303.

Respectfully submitted,

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